

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEBRASKAJUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

05 SEP 30 AM 10:19

SEP - 8 2005

DOCKET NO. 1657

FILED  
CLERK'S OFFICE**BEFORE THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION****IN RE VIOXX PRODUCTS LIABILITY LITIGATION****(SEE ATTACHED SCHEDULE)****CONDITIONAL TRANSFER ORDER (CTO-23)**


On February 16, 2005, the Panel transferred 138 civil actions to the United States District Court for the Eastern District of Louisiana for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. Since that time, 1,491 additional actions have been transferred to the Eastern District of Louisiana. With the consent of that court, all such actions have been assigned to the Honorable Eldon E. Fallon.

It appears that the actions on this conditional transfer order involve questions of fact which are common to the actions previously transferred to the Eastern District of Louisiana and assigned to Judge Fallon.

Pursuant to Rule 7.4 of the Rules of Procedure of the Judicial Panel on Multidistrict Litigation, 199 F.R.D. 425, 435-36 (2001), these actions are transferred under 28 U.S.C. § 1407 to the Eastern District of Louisiana for the reasons stated in the order of February 16, 2005, 360 F.Supp.2d 1352 (J.P.M.L. 2005), and, with the consent of that court, assigned to the Honorable Eldon E. Fallon.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Louisiana. The transmittal of this order to said Clerk shall be stayed fifteen (15) days from the entry thereof and if any party files a notice of opposition with the Clerk of the Panel within this fifteen (15) day period, the stay will be continued until further order of the Panel.

FOR THE PANEL:



Michael J. Beck  
Clerk of the Panel

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

SEP 26 2005

CLERK'S OFFICE  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

**SCHEDULE CTO-23 - TAG-ALONG ACTIONS**  
**DOCKET NO. 1657**  
**IN RE VIOXX PRODUCTS LIABILITY LITIGATION**

| <u>DIST. DIV. C.A. #</u>   | <u>CASE CAPTION</u>   |
|----------------------------|---|
| <b>ALABAMA MIDDLE</b>      |   |
| <del>ALM 2 05-702</del>    | <del>Glendora Turner, etc. v. Merck &amp; Co., Inc., et al.</del> Vacated 9/23/05 |
| <b>ALABAMA NORTHERN</b>    |   |
| ALN 2 05-1633              | Steve Widmar, Jr., et al. v. Merck & Co., Inc.                                    |
| ALN 4 05-1616              | Helen McMichen, et al. v. Merck & Co., Inc.                                       |
| <b>ALABAMA SOUTHERN</b>    |   |
| ALS 1 05-470               | Margaret Hadley, et al. v. Merck & Co., Inc., et al.                              |
| <b>ARKANSAS EASTERN</b>    |   |
| ARE 2 05-185               | Stoney Walton v. Merck & Co., Inc.  |
| <b>CALIFORNIA CENTRAL</b>  |   |
| CAC 2 05-5446              | Ronnie Penfold v. Merck & Co., Inc.   |
| <b>CALIFORNIA NORTHERN</b> |   |
| CAN 3 05-3130              | Ismael Lopez, et al. v. Merck & Co., Inc.   |
| CAN 3 05-3131              | Giovanni Cortese v. Merck & Co., Inc.   |
| CAN 3 05-3188              | Dennis Parks, et al. v. Merck & Co., Inc.   |
| CAN 3 05-3205              | Sandra J. Springs v. Merck & Co., Inc., et al.                                    |
| <b>COLORADO</b>            |   |
| CO 1 05-1436               | Gail Janet Lagomarsino-Burmmett v. Merck & Co., Inc.                              |
| <b>CONNECTICUT</b>         |   |
| CT 3 05-1198               | Don Hanrahan v. Merck & Co., Inc.   |
| <b>FLORIDA SOUTHERN</b>    |   |
| FLS 1 05-22179             | James E. Sprinkle, et al. v. Merck & Co., Inc.                                    |
| <b>IOWA NORTHERN</b>       |   |
| IAN 1 05-132               | Sherrill Herke v. Merck & Co., Inc.   |
| <b>IDAHO</b>               |   |
| ID 1 05-312                | Charles Piquet v. Merck & Co., Inc.   |
| <b>ILLINOIS NORTHERN</b>   |   |
| ILN 1 05-4556              | Patricia Bennett v. Merck & Co., Inc.   |
| <b>ILLINOIS SOUTHERN</b>   |   |
| <del>ILS 3 05-526</del>    | <del>Gary Auslander v. Merck &amp; Co., Inc., et al.</del> Vacated 9/26/05        |
| <del>ILS 3 05-527</del>    | <del>Myrtle Bohannon v. Merck &amp; Co., Inc., et al.</del> Opposed 9/22/05       |
| ILS 3 05-528               | Laurence Madden v. Merck & Co., Inc.  |
| <del>ILS 3 05-529</del>    | <del>John G. Smith, Jr. v. Merck &amp; Co., Inc., et al.</del> Opposed 9/26/05    |
| ILS 3 05-548               | Bridgette Bradley v. Merck & Co., Inc.  |
| ILS 3 05-549               | Mary A. Koch v. Merck & Co., Inc.   |
| <del>ILS 3 05-550</del>    | <del>Larry King v. Merck &amp; Co., Inc., et al.</del> Opposed 9/26/05            |
| ILS 3 05-557               | Arhonda Hoffman v. Merck & Co., Inc.  |
| ILS 3 05-558               | David Green v. Merck & Co., Inc.  |
| ILS 3 05-559               | Kelvin Handy v. Merck & Co., Inc.   |

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| <u>DIST. DIV. C.A. #</u> | <u>CASE CAPTION</u>  |
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| ILS 3 05-560             | Mae Bess Hale v. Merck & Co., Inc.   |
| ILS 3 05-561             | David Spiegelberg v. Merck & Co., Inc.                                       |
| <del>ILS 3 05-562</del>  | <del>Clara Kirkendall v. Merck &amp; Co., Inc., et al. Opposed 9/16/05</del> |
| <del>ILS 3 05-563</del>  | <del>Mary Hardin v. Merck &amp; Co., Inc., et al. Opposed 9/16/05</del>      |
| ILS 3 05-564             | Steven Mitchell v. Merck & Co., Inc.   |
| ILS 3 05-565             | Paul Lucas v. Merck & Co., Inc.  |
| ILS 3 05-566             | Margaret Hughes v. Merck & Co., Inc., et al.                                 |
| ILS 3 05-567             | Bettye Harris v. Merck & Co., Inc.   |
| ILS 3 05-568             | Betty Belue v. Merck & Co., Inc.   |
| ILS 3 05-569             | Mary Price v. Merck & Co., Inc.  |
| <b>INDIANA NORTHERN</b>  |  |
| INN 3 05-448             | Roger Weissmann, et al. v. Merck & Co., Inc.                                 |
| INN 3 05-449             | Phyllis Ranschaert v. Merck & Co., Inc.                                      |
| INN 3 05-450             | Bernie Harlan v. Merck & Co., Inc.   |
| INN 3 05-451             | Thomas J. Lustik, et al. v. Merck & Co., Inc.                                |
| <b>KANSAS</b>            |  |
| KS 2 05-2334             | Nona Conyers v. Merck & Co., Inc.  |
| KS 2 05-2335             | Elaine Coppenbarger v. Merck & Co., Inc., et al.                             |
| KS 5 05-4090             | Alan Hewitt v. Merck & Co., Inc.   |
| <b>KENTUCKY WESTERN</b>  |  |
| KYW 1 05-112             | Walter Glenn v. Merck & Co., Inc., et al.                                    |
| <b>LOUISIANA MIDDLE</b>  |  |
| LAM 3 05-1003            | Brenda Deiter v. Merck & Co., Inc.   |
| LAM 3 05-1009            | Thomas Gridley v. Merck & Co., Inc.  |
| <b>LOUISIANA WESTERN</b> |  |
| LAW 3 05-1444            | Mary Katherine Brady, et al. v. Merck & Co., Inc.                            |
| LAW 5 05-1409            | Connie Hankins, et al. v. Merck & Co., Inc.                                  |
| <b>MARYLAND</b>          |  |
| MD 1 05-2074             | Lisa Gray v. Merck & Co., Inc.   |
| MD 1 05-2245             | William Edris Evans v. Merck & Co., Inc.                                     |
| <b>MINNESOTA</b>         |  |
| MN 0 05-1630             | Jimmy Gould v. Merck & Co., Inc.   |
| MN 0 05-1641             | T.J. Power, etc. v. Merck & Co., Inc.  |
| MN 0 05-1642             | Salvatore Randazzo v. Merck & Co., Inc.                                      |
| MN 0 05-1643             | Ralph C. Pomeroy v. Merck & Co., Inc.  |
| MN 0 05-1644             | Gerald W. Norback v. Merck & Co., Inc.                                       |
| MN 0 05-1646             | David W. Burnham v. Merck & Co., Inc.  |
| MN 0 05-1647             | Russell R. Keefer v. Merck & Co., Inc.                                       |
| MN 0 05-1648             | Brian F. Vaughn v. Merck & Co., Inc.   |
| MN 0 05-1649             | Alice H. Bolton v. Merck & Co., Inc.   |
| MN 0 05-1650             | Helen M. Atemborski v. Merck & Co., Inc.                                     |
| MN 0 05-1651             | Patricia J. Rivera v. Merck & Co., Inc.                                      |
| <b>MISSOURI EASTERN</b>  |  |
| MOE 4 05-1165            | Antonia Albert v. Merck & Co., Inc.  |
| MOE 4 05-1166            | Francis Best v. Merck & Co., Inc.  |
| MOE 4 05-1167            | Richard D. Kueber v. Merck & Co., Inc.                                       |
| MOE 4 05-1168            | Loretta Bates v. Merck & Co., Inc.   |
| MOE 4 05-1169            | Nathan Yopp, Sr. v. Merck & Co., Inc.  |
| MOE 4 05-1170            | Edward Evans v. Merck & Co., Inc.  |

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| <u>DIST. DIV. C.A. #</u>   | <u>CASE CAPTION</u>   |
|----------------------------|---|
| MOE 4 05-1197              | Carol Souders v. Merck & Co., Inc.  |
| MOE 4 05-1200              | Kenneth Hohlt, Jr. v. Merck & Co., Inc.   |
| MOE 4 05-1267              | Delores Beaver v. Merck & Co., Inc.   |
| <br>MISSOURI WESTERN       |   |
| MOW 4 05-696               | William D. Glenn, et al. v. Merck & Co., Inc.                                       |
| <br>MISSISSIPPI NORTHERN   |   |
| MSN 1 05-190               | Shirley Foster v. Merck & Co., Inc., et al.   |
| MSN 2 05-154               | Lorene Sparks v. Merck & Co., Inc., et al.  |
| MSN 2 05-155               | Larry Aaron v. Merck & Co., Inc., et al.  |
| MSN 2 05-156               | Lee Dawkins v. Merck & Co., Inc., et al.  |
| MSN 2 05-157               | Doretha Banks v. Merck & Co., Inc., et al.  |
| <br>MONTANA                |   |
| MT 9 05-128                | Kevin Allen v. Merck & Co., Inc.  |
| <br>NORTH CAROLINA EASTERN |   |
| NCE 5 05-520               | Richard Gaddie v. Merck & Co., Inc.   |
| <br>NORTH DAKOTA           |   |
| ND 3 05-78                 | Lorn Campbell v. Merck & Co., Inc.  |
| <br>NEBRASKA               |   |
| NE 4 05-3189               | Jon Brunkhorst v. Merck & Co., Inc.   |
| NE 8 05-366                | Joann P. Howe, etc. v. Merck & Co., Inc.  |
| <br>NEW JERSEY             |   |
| NJ 3 05-3728               | Wanda Cole, et al. v. Merck & Co., Inc.   |
| NJ 3 05-3778               | Theresa Ducham, et al. v. Merck & Co., Inc.   |
| NJ 3 05-3779               | Anthony Krowicki v. Merck & Co., Inc.   |
| NJ 3 05-3796               | Christie Anderson v. Merck & Co., Inc.  |
| <br>NEVADA                 |   |
| <del>NV 2 05-627</del>     | <del>Daniel Morrison, et al. v. Merck &amp; Co., Inc., et al.</del> Opposed 9/23/05 |
| <br>NEW YORK NORTHERN      |   |
| NYN 1 05-981               | Doreen J. Maxwell v. Merck & Co., Inc.  |
| <br>NEW YORK SOUTHERN      |   |
| NYS 1 05-6932              | Norma Tio v. Merck & Co., Inc.  |
| NYS 1 05-6958              | June Tauber Golden, et al. v. Loren Martin Fishman, M.D., et al.,                   |
| NYS 1 05-7084              | Ashraf Ahmed, et al. v. Merck & Co., Inc.   |
| NYS 1 05-7085              | Carlota Bajana, et al. v. Merck & Co., Inc.   |
| <br>OHIO NORTHERN          |   |
| OHN 1 05-1875              | Jason Ross v. Merck & Co., Inc.   |
| OHN 1 05-1958              | Patricia Workman, et al. v. Merck & Co., Inc.                                       |
| <br>OKLAHOMA WESTERN       |   |
| OKW 5 05-871               | Mary A. Bruch, et al. v. Merck & Co., Inc.  |
| <br>OREGON                 |   |
| OR 3 05-1228               | Cheryl Edwards v. Merck & Co., Inc.   |
| <br>PENNSYLVANIA EASTERN   |   |
| PAE 2 05-4090              | William Hnatuk, et al. v. Merck & Co., Inc., et al.                                 |

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| PAE 2 05-4103              | Klaus Hofmann, et al. v. Merck & Co., Inc., et al.    |
| PAE 2 05-4237              | Mark Justus, et al. v. Merck & Co., Inc., et al.      |
| PAE 2 05-4238              | Sherrie Hedden, etc. v. Merck & Co., Inc., et al.     |
| PAE 2 05-4239              | Amelia A. Wilson, et al. v. Merck & Co., Inc., et al. |
| <br>PENNSYLVANIA WESTERN   |   |
| PAW 2 05-1073              | Renee M. Bernabe v. Merck & Co., Inc.                 |
| <br>RHODE ISLAND           |   |
| RI 1 05-331                | Stephen Moreau v. Merck & Co., Inc.                   |
| <br>SOUTH DAKOTA           |   |
| SD 1 05-1026               | Ruth Grotjohn v. Merck & Co., Inc.                    |
| SD 1 05-1027               | Gerald Sanborn v. Merck & Co., Inc.                   |
| SD 1 05-1028               | Charles Mardian v. Merck & Co., Inc.                  |
| SD 1 05-1029               | Jerry Hansen v. Merck & Co., Inc.                     |
| SD 1 05-1030               | Richard Wolf v. Merck & Co., Inc.                     |
| SD 1 05-1031               | Gary Ofstad v. Merck & Co., Inc.                      |
| SD 1 05-1032               | John Shaver v. Merck & Co., Inc.                      |
| SD 1 05-1033               | Steve Klima v. Merck & Co., Inc.                      |
| SD 1 05-1034               | Alvin Dexter v. Merck & Co., Inc.                     |
| <br>TENNESSEE EASTERN      |   |
| TNE 3 05-381               | Steven R. Chapman, et al. v. Merck & Co., Inc.        |
| <br>TENNESSEE MIDDLE       |   |
| TNM 2 05-71                | Joyce Duke, et al. v. Merck & Co., Inc.               |
| <br>TENNESSEE WESTERN      |   |
| TNW 1 05-1203              | Phillip Vernon v. Merck & Co., Inc.                   |
| <br>TEXAS EASTERN          |   |
| TXE 2 05-351               | Brenda DeLoach, et al. v. Merck & Co., Inc.           |
| TXE 2 05-353               | Richard L. Dutton v. Merck & Co., Inc.                |
| <br>TEXAS NORTHERN         |   |
| TXN 2 05-212               | Audelia Serna, etc. v. Merck & Co., Inc.              |
| TXN 3 05-1504              | Linda Powell v. Merck & Co., Inc.                     |
| <br>TEXAS SOUTHERN         |   |
| TXS 2 05-375               | Velma Byrd, etc. v. Merck & Co., Inc.                 |
| TXS 5 05-164               | Rosa Reyes, et al. v. Merck & Co., Inc., et al.       |
| <br>UTAH                   |   |
| UT 1 05-100                | Marilyn Nestman v. Merck & Co., Inc.                  |
| UT 2 05-636                | Clifton E. Allenbach, et al. v. Merck & Co., Inc.     |
| <br>WASHINGTON WESTERN     |   |
| WAW 2 05-1323              | Ronald Forrest v. Merck & Co., Inc.                   |
| <br>WEST VIRGINIA SOUTHERN |   |
| WVS 2 05-596               | Terry Kelly v. Merck & Co., Inc.                      |
| <br>WYOMING                |   |
| WY 2 05-215                | James R. Pope v. Merck & Co., Inc.                    |

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**IN RE VIOXX PRODUCTS LIABILITY LITIGATION**

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259 Robert J. Dole U.S. Courthouse  
500 State Avenue  
Kansas City, KS 66101-2430

Ralph L. DeLoach, Clerk  
490 Frank Carlson Federal Building  
& U.S. Courthouse  
444 S.E. Quincy Street  
Topeka, KS 66683

Richard Sletten, Clerk  
202 U.S. Courthouse  
300 South Fourth Street  
Minneapolis, MN 55415

Richard W. Wieking, Clerk  
Phillip Burton U.S. Courthouse  
Box 36060  
450 Golden Gate Avenue  
San Francisco, CA 94102-3489

Robert D. Dennis, Clerk  
1210 U.S. Courthouse  
200 N.W. 4th Street  
Oklahoma City, OK 73102-3092

Robert H. Shemwell, Clerk  
Post Office Drawer 3087  
Monroe, LA 71201-3087

Robert H. Shemwell, Clerk  
1167 U.S. Courthouse  
300 Fannin Street  
Shreveport, LA 71101-3083

Robert V. Barth, Jr., Clerk  
U.S. District Court  
P.O. Box 1805  
Pittsburgh, PA 15230-1805

Sherri R. Carter, Clerk  
G-8 U.S. Courthouse  
312 North Spring Street  
Los Angeles, CA 90012

Stephen R. Ludwig, Clerk  
315 Robert A. Grant Federal  
Bldg. & U.S. Courthouse  
204 South Main Street  
South Bend, IN 46601

Teresa Deppner, Clerk  
Post Office Box 2546  
Charleston, WV 25329-2546

Thomas M. Gould, Clerk  
262 U.S. Courthouse  
111 South Highland Avenue  
Jackson, TN 38301

William T. Walsh, Clerk  
2020 Clarkson S. Fisher Fed.  
Bldg. & U.S. Courthouse  
402 East State Street  
Trenton, NJ 08608